

JUDGE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JASON LAYES  
a/k/a MIKEY DIAMOND STARRETT,

Defendant.

NO. CR21-5334DGE

MOTION TO CONTINUE  
PRETRIAL MOTIONS CUTOFF  
DATE, PRETRIAL  
CONFERENCE AND TRIAL  
DATE

NOTED: November 30, 2021

COMES NOW the defendant, Michael Jason Layes a/k/a Mikey Diamond Starrett, by and through his attorney, Lance M. Hester of the HESTER LAW GROUP, INC., P.S., and moves this Court for an order continuing the pretrial motions cutoff date, pretrial conference and trial date presently scheduled for December 6, 2021.

THIS MOTION is based on the files and records herein and the Declaration of Lance M. Hester filed in support thereof, and 18 U.S.C. §§ 3161(h)(7)(B)(iv), (h)(1)(D), and (h)(7)(A).

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of November, 2021.

HESTER LAW GROUP, INC., P.S.

/s/ Lance M. Hester

Lance M. Hester, WSBA #27813

Attorney for Defendant

[lance@hesterlawgroup.com](mailto:lance@hesterlawgroup.com)

MOTION TO CONTINUE - 1

HESTER LAW GROUP, INC., P.S.

1008 So. Yakima Ave., Suite 302

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1 I, Lance M. Hester, hereby declare as follows:

2 1. As the court is aware, on December 19, 2021, this case was set for trial to occur  
3 on December 6, 2021 and I was then appointed to represent Mr. Starrett. Until November 19,  
4 2021, Mr. Starrett was self-represented/pro-se, and I was acting as standby counsel.

5 2. I am unable to be prepared for trial by the currently scheduled trial date.  
6 During the November 19, 2021 hearing, Mr. Starrett expressed on the record his willingness to  
7 have the matter continued should I find myself unable to prepare and proceed to trial.

8 3. It is my preference this matter be continued well into 2022. It is well-known  
9 the government is pursuing additional charges and unfortunately those charges are reported to  
10 require the involvement of not just the Department of Justice but the Attorney General. The  
11 Attorney General's office does not appear to have acted on the case.  
12

13 4. An acquittal on the instant case would make no impact on Mr. Starrett's  
14 potential sentencing should his anticipated additional charges result in conviction. Obviously,  
15 no attorney can guarantee Mr. Starrett an acquittal of the present firearm possession charge. If  
16 convicted of the present charge, Mr. Starrett's criminal history category and sentencing  
17 guidelines levels will be affected when he faces the pending additional charges. His resulting  
18 potential sentencing range, if convicted on the charges that the government anticipates, would  
19 accordingly be higher. While Mr. Starrett has been briefly oriented to this subject, Mr. Starrett  
20 deserves further education on this important issue.  
21

22 5. I have spent additional time reviewing the issues in the present case that is set  
23 for trial on December 6, 2021. My recent appointment to full representation has not provided  
24 time sufficient for me to properly prepare for the trial. Nor does it give me adequate time to  
25 adjust the rest of my caseload.  
26

27 MOTION TO CONTINUE - 2

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DATED this 24<sup>th</sup> day of November, 2021 at Tacoma, Washington.

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**CERTIFICATE OF SERVICE**

Lee Ann Mathews, hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the plaintiff and co-defendants, if any, and I hereby certify that I have mailed the document by U.S. Postal Service to Michael Jason Layes, a/k/a Mikey Diamond Starrett, defendant.

Signed at Tacoma, Washington this 29<sup>th</sup> day of November, 2021.

/s/ Lee Ann Mathews  
LEE ANN MATHEWS